

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

2011 SEP 12 PM 2:38

Alaa A. Salem

Plaintiff,

Case No.: 6:11-cv-1500-ORL-22-DAB

v.

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001 Defendant,

**FOIA-COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

- 1- Plaintiff bearing the burden to request clarification and justification from the U.S. Department of justice, Defendant. In term of complying with disclosure law pursuant to Freedom of Information Act, 5 U.S.C. § 552, as amended.
- 2- Plaintiff seek the release of all records from two Department of justice components-- The Federal Bureau of Investigations and The Executive Office of United State Attorneys. That materially relevant to the investigations of the Plaintiff and with consistency to 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

- 3- This Court has jurisdiction over the action under both The Freedom of Information Act, pursuant to 5 U.S.C. § 552 and under 28 U.S.C. § 1331 (federal question jurisdiction).
- 4- This venue is properly vested in this Court pursuant to 5 U.S.C. § 552 (a)(4)(B).

**FACTS**

- 5- In or about September of 2001, Plaintiff was a senior undergraduate student when he was searched for by DOJ employees (FBI) according to plaintiff's knowledge.
- 6- Plaintiff complies and requests the assistant of public defender at the Western District of Washington who thankfully provide legal representative to assist with

the Federal Investigation.

- 7- The Investigation was normal "just common questions" then unexpected request for a polygraph test was introduced and was later abandoned. Then an order for Grand Jury Subpoena by US Attorney for The Southern District of New York was introduced. In connection with alleged violation of 18 U.S.C. §§ 371, 32, 844, 1962 and 2384.
- 8- Plaintiff comply and present himself at the location with assistant in representation, traveling and accommodation provided for by public defender and the investigative agency. A questionnaire session was conducted on the time and date of requested appearance. Then Plaintiff was allowed to return to Seattle until further notice.
- 9- Further notice did not come and clarification did not happen. In addition to confusion that existed and that later Plaintiff encounter strange adverse actions. (Exhibit A)
- 10- In or About January of 2009 Plaintiff submitted a FOIA request to the FBI Seattle office seeking records pertained to the above mention investigation then appealed to the OIP office with the same result of "No records responsive to your request". And an Appeal asserted No records found at the automated indices.
- 11- In connection with the same issue Plaintiff submitted three FOIA request to The Executive Office for The United State Attorneys:
  - (a) FOIA 2010-3286 was considered inadequate due to lake of identity certification.
  - (b) FOIA 2010- 3580 was answered as I made No Grand Jury Appearance on 10/15/2001.
  - (C) FOIA 2010- 4740 was full denial based on Grand Jury Secrecy.
- 12- An Appeal to The Office of Information Policy: AP- 2011-01112 , AP-2011-01113 and AP-2011-01114 correspond to the above mention FOIAs was acknowledged on February 14, 2011 and answered on August 03, 2011. Although, it referred me back to the Executive Office of U.S. Attorney without citing the applicable laws. (Exhibit B)
- 13- In Addition during an Immigration Naturalization process Plaintiff was subject to an FBI Name Check that lasted from March 21, 2003 until March 25,

2008. In the interim plaintiff was involved with Social Security Disability Adjudication, Workers Compensation and N.Y. Queens county court.  
(Exhibit C)

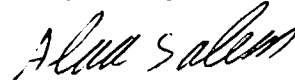
- 14- Plaintiff has fully exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C) its FOIA request and now turns to this Court to enforce the remedies and access to agency records guaranteed by FOIA.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests and prays that this court:

- I - Enter an Order declaring that Department of Justice has wrongfully withheld the requested agency records;
- ii - Issue a permanent injunction directing Department of Justice to disclose to the Plaintiff all wrongfully withheld documents;
- iii - Maintain jurisdiction over this action until Department of Justice is in compliance with FOIA, APA and every other order of this Court;
- iv - Award Plaintiff its appropriate pro se fees and costs pursuant to The FOIA Act; and
- v - Grant such additional and further relief to which Plaintiff may be entitled.

Respectfully submitted,



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